

The 9th October, 1974

No. 9223-4Lab-74/32514.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Sham Ice Oil and General Mills, Panipat

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA

ROHTAK

Reference No. 38 of 1974

SHRI RAM ACHHEBER AND THE MANAGEMENT OF M/S SHAM
ICE OIL AND GENERAL MILLS, PANIPAT

Present :—

Shri Onkar Parshad, for the workman.

Shri Surinder Kaushal for the management.

AWARD

By order No. ID/KNL/165-C-73/17034-38, dated 21st June, 1974 of the Governor of Haryana, the following dispute between the management of M/s Sham Ice Oil and General Mills, Panipat and its workman Shri Ram Achheber was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947.

“ Whether the termination of services of Shri Ram Achheber was justified and in order ?
If not, to what relief is he entitled ? ”

On receipt of the order of reference the parties were called upon to put in their respective pleadings. The management has contested the claim of the workman pleadings inter alia that a similar dispute having already been referred by the Government (Reference No. 86 of 1972) in which an award was also made in favour of the workman which was published in the State Gazette on 5th June, 1973 the present reference is bad in law and without jurisdiction. In the replication filed on behalf of the workman concerned the factum of the previous reference and the award given by the Court is not disputed.

I have heard the learned representatives of the parties and considered the facts which are admitted on both sides, as stated above. The workman concerned had already challenged the order of the termination of his services by the management whereupon the dispute was referred for adjudication to this court and after hearing the parties the award was given in his favour. The present dispute or the term of reference is precisely the same as was referred for adjudication, — *id.* reference No. 86 of 1972. The law is well settled on the point. The same dispute could not be re-referred for adjudication for especially when the court had given the award after hearing both the parties. The workman concerned should have sought his remedy by seeking implementation of the award instead of asking for the re-reference of the same dispute. It will not be out of place to mention here that he has actually moved an application for computation of the dues arising out of the said award, as contemplated under section 33-C (2) of the Industrial Disputes Act, 1947 which case is also pending before this court.

In the circumstances, I am quite clear in my mind that the present reference can not proceed being bad in law and without jurisdiction and shall stand rejected as such. No order as to costs.

Dated 30th September, 1974

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endorsement No. 2454, dated 3rd October, 1974.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.